

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRANDON LEE ROMERO,

Defendant.

CR 15-19-GF-BMM-JTJ

**FINDINGS AND
RECOMMENDATIONS**

I. Synopsis

Defendant Brandon Lee Romero (Romero) has been accused of violating the conditions of his supervised release. Romero admitted all of the alleged violations. Romero's supervised release should be revoked. Romero should be placed in custody for 6 months, with 6 months of supervised release to follow. Romero should participate in an outpatient drug treatment program while he is on supervised release.

II. Status

Romero pleaded guilty to Assault Resulting in Serious Bodily Injury on June 30, 2015. (Doc. 47). The Court sentenced Romero to 27 months of custody, followed by 2 years of supervised release. (Doc. 64). Romero's current term of

supervised release began on July 20, 2020. (Doc. 124 at 2).

Petition

The United States Probation Office filed a Petition on July 27, 2020, requesting that the Court revoke Romero's supervised release. (Doc. 124). The Petition alleged that Romero had violated the conditions of his supervised release: 1) by failing to complete his 60-day term at Connections Corrections; and 2) by using methamphetamine.

Initial appearance

Romero appeared before the undersigned for his initial appearance on September 9, 2020. Romero was represented by counsel. Romero stated that he had read the petition and that he understood the allegations. Romero waived his right to a preliminary hearing. The parties consented to proceed with the revocation hearing before the undersigned.

Revocation hearing

The Court conducted a revocation hearing on September 9, 2020. Romero admitted that he had violated the conditions of his supervised release: 1) by failing to complete his 60-day term at Connections Corrections; and 2) by using methamphetamine. The violations are serious and warrant revocation of Romero's supervised release.

Romero's violations are Grade C violation. Romero's criminal history category is I. Romero's underlying offense is a Class C felony. Romero could be incarcerated for up to 24 months. Romero could be ordered to remain on supervised release for up to 12 months, less any custody time imposed. The United States Sentencing Guidelines call for a term of custody of 3 to 9 months.

III. Analysis

Romero's supervised release should be revoked. Romero should be incarcerated for 6 months, with 6 months of supervised release to follow. Romero should participate in an outpatient drug treatment program while he is on supervised release. This sentence is sufficient but not greater than necessary.

IV. Conclusion

The Court informed Romero that the above sentence would be recommended to United States District Judge Brian Morris. The Court also informed Romero of his right to object to these Findings and Recommendations within 14 days of their issuance. The Court explained to Romero that Judge Morris would consider a timely objection before making a final determination on whether to revoke his supervised release and what, if any, sanction to impose.

The Court **FINDS:**

That Brandon Lee Romero violated the conditions of his supervised release: by failing to complete his 60-day term at Connections Corrections; and by using methamphetamine.

The Court **RECOMMENDS:**

That the District Court revoke Romero's supervised release and commit him to the custody of the United States Bureau of Prisons for 6 months, with 6 months of supervised release to follow. Romero should participate in an outpatient drug treatment program while he is on supervised release.

**NOTICE OF RIGHT TO OBJECT TO FINDINGS AND
RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO OBJECT**

The parties may serve and file written objections to the Findings and Recommendations within 14 days of their entry, as indicated on the Notice of Electronic Filing. 28 U.S.C. § 636(b)(1). A United States district court judge will make a de novo determination regarding any portion of the Findings and Recommendations to which objection is made. The district court judge may accept, reject, or modify, in whole or in part, the Findings and Recommendations. Failure to timely file written objections may bar a de novo determination by the district court judge, and may waive the right to appear and allocute before a

district court judge.

DATED this 14th day of September, 2020.



John Johnston
United States Magistrate Judge